

Butte-Silver Bow Study Commission Minutes

Meeting Date: March 24, 2005

Time: 5:30 p.m.

Place: 1) The Butte-Silver Bow County Courthouse - 4th Jury Room, 2) the 3rd Floor Council Chamber Room for a PowerPoint Presentation, and 3) Tour of the Butte-Silver Bow Detention Center.

Call to Order: **Chairman Worley** brought the meeting to order at 5:30 p.m. in the BSB Courthouse Jury Room. He proceeded to call roll with the following results:

Members Present: Dave Palmer, Meg Sharp, Cindi Shaw, Northey Tretheway, Bob Worley, and Shag Miller. Shelly Jones was also present. Tony Bonney arrived a few minutes late.

Excused Absences: Ristene Hall, Wayne Harper, and Ron Rowling

Others Present: Bob McCarthy, Jeff Amerman, Lee LeBreche, Sheriff Walsh, Geneta Bishop, Jerome McCarthy, and Ed O'Neill.

Approval of Minutes: Northey Tretheway noted that in Ron Rowling's comments he reported that we were asking for a contingency plan from Linda Sajor-Joyce and he wanted to have it changed to an "IT Plan." Shag Miller made a motion that the minutes for the March 10, 2005, meeting be approved; Meg Sharp seconded the motion. The motion was carried.

Ron Rowling was excused. He was attending a meeting in Bozeman.

Citizen Comments: None

Items not addressed on the Agenda: Chairman Worley passed out a memo on the Study Commission budget, a copy of the budget for 1995-1996, and a request to prepare a budget for 2005-2006. Members reviewed the handouts. Shag Miller asked if Ron or Shelly were paid within the Study Commission budget. Chairman Worley said that Shelly was paid, but Ron was provided by the government. Bob McCarthy mentioned that next year, he bet that Ron would be paid on next year's budget because if we are using him we should pay for him. At this time, Tony Bonney came in and announced that the speakers were waiting to do their presentations in the 3rd Floor Council Chamber Room. The Study Commission members proceeded to the Council Chambers.

Guest Speakers: **Chairman Worley** said rather than tying up the speakers he would move forward with the presentation of the speakers. The first speaker of the evening was **Butte-Silver Bow Coroner, Lee LeBreche**. Lee reported that he was elected as Coroner in 1996, and he is working on his 9th year as Coroner. Lee provided a 17-page handout

that he reviewed. The handout is on file. Some of the highlights of his presentation included investigation of deaths involving foul play; conducting investigations with appropriate law enforcement agencies; arranging forensic autopsies as applicable; conducting inquests upon the instructions of the County Attorney or Attorney General; and, impaneling juries and summoning witnesses at inquests. He talked about natural deaths and that not all deaths of Butte-Silver Bow go through the Coroners office, e.g., nursing home deaths, any persons under an immediate doctors care, hospice patients, anyone admitted to St. James or any other hospital unless a person dies within 24 hours of admission. Pages 2 through 7 of the handout contained the Montana Code Annotated; Page 8 is a letter from Dr. Gary Dale, State Medical Examiner, stating their excellent working relationship; pages 9-12 charts a breakdown of the deaths by month and by manner of death; page 13-15 shows yearly data (these numbers are consistent with nationwide numbers). Sometimes there are deaths that cannot be determined. Lee LeBreche also went over training, education, and hours. He talked about on-line processes. Further, he defined the responsibilities of the Deputy Coroners. They are Marcie Cameron (a chemist), Bill Bloodgood (prison guard), C.J. Bugni (CCCS), and Lori Durkin (a paralegal). In summary, he mentioned that he is the lowest paid major coroner in the State of Montana for comparable counties. He went over the increased costs of office supplies (body envelopes (bags) and autopsies). In 1997 body bags cost \$22.00 and in 2005 the cost is \$39.50. In 1997 autopsies cost \$750.00 and in 2005 they cost \$1,500.00. Also, he stated that he is against combining the coroner with law enforcement. They should be two separate positions. Some of the reasons given were that it is a manpower burden on the Sheriff's office. You would be looking at a lot more manpower needs (there would be a lot more overtime); you would be keeping officers off the street. In 2003, Lee LeBreche was on call for 5,400 hours. His income was \$18,000. The Coroner's operating budget is not very much. They are meticulous about their recordkeeping. Bob Worley asked if they were on the GIS system. They are wired in the GIS in his office, but he does a lot of work from his own computer at home. His prayer would be to have a secretary/administrative assistant (part-time). For every hour they are on a scene, they have two hours of paperwork and deal with insurance companies and attorneys. Toxicology analyses are free. The Commission thanked Lee for his presentation.

At 6:21 p.m., the second speaker, ***Sheriff John Walsh***, began his PowerPoint presentation (a copy of the 37-page handout is on file). Sheriff Walsh stated that Captain Jerome McCarthy would give the PowerPoint presentation on the Detention Facility. He introduced Geneta Bishop, the Sheriff Department's administrative assistant/budget coordinator. Highlights from the Sheriff's presentation included manpower, officers per capita, the number of officers compared to Montana Sheriff and Police Departments, the consolidation and the trickle down effect, and that the manpower in the department has never been lower than it is right now and it is at a crisis level. The Sheriff's Department also handles out-of-city-limit issues, detention, and civil processes. Page 10 shows the number of staff in 1977 at the time of consolidation. He explained the reduction in manpower. Further, Sheriff Walsh explained the Meth Crisis, and that the officers are citizens too and they want to follow up and "do everything they can to resolve a problem, solve a case, right a wrong." They have a stake in this community. With the continuing

education of the public about Meth, it will result in more calls for service, more demand for officers and it will increase the demand on the dispatch center. He will continue to explain to all citizens when given the opportunity about the manpower crisis. He explained the needs of the Department. He compared the Butte-Silver Bow department to other departments. He doesn't know if the general public realizes the trickle down effect of every specialized law enforcement task. The citizens of Butte-Silver Bow should not have to be put in a position where they can no longer be served, no longer be protected, no longer have an officer respond as quickly as he or she could, if adequately staffed. Sheriff Walsh said he needs more than 50 officers to bring the department up to the average for the State of Montana. The Department only has 37 full-time officers right now including the Sheriff, the Under Sheriff, three (3) captains, four (4) detectives and 27 patrol officers. After researching other jurisdictions, the only resolution to the shortage of manpower for law enforcement departments throughout the state would be to have a Law Enforcement Mill Levy.

Tony Bonney asked about the process of citizens filling out their own complaints and how that was working. The Department has asked citizens to help out with small reports such as a hose getting cut, window broken, etc., when there are no witnesses or suspects. He said there are between 150 to 200 reports of this type per month. There are 30,000 calls for service per year (from the barking dog to homicides). Missoula, for example had 33,000 calls for service last year and they had 91 non-grant funded officers. Butte-Silver Bow has 37 non-grant funded officers, and this if after our county government just cut another 5 officers from our budget. Further discussions included salaries, overtime pay, sick time, and on-call officers (the captains and the sheriff that are well-rounded can deal with well-rounded issues including homicide). Overtime pay was discussed at length. The Sheriff does not qualify for overtime pay. Discussion on overtime included the fact that a lot of the overtime includes time spent working at special events (basketball games and football games, and productions, for example) and that the *money is reimbursed* by the school district, the civic center, or production companies. The conversation continued about the details of salary, overtime pay, and the control of overtime. Discussion regarding the budget and more details of the budget followed after Northey Tretheway asked questions about the Department's budget. The total Sheriff Department budget is \$3,844,439. Last August, the Sheriff's Department had 42 officers, they are now at 37. The presentation also included statistics of other police departments (per capita). Sheriff Walsh proposed that a set amount of officers be set in ordinance reflecting the appropriate number of officers per capita, with consolidated duties taken into consideration and the ordinance language supporting the hiring and retention of one full-time warrants/civil process officer. Sheriff Walsh said that his Department serves the community well with the staff they have. Chairman Worley asked about the possibility of a volunteer program. Sheriff Walsh talked about his plan to create a reserve program and the resistance from the officers. Discussion continued on this subject. County Attorney Bob McCarthy stated that there is a provision in the existing Charter that has been there since 1976 that provides that all law enforcement officers in this community be under the jurisdiction of what used to be called the Metropolitan Police Law, now called the Municipal Police Law. It means the Charter requires that every law enforcement officer employed by this government be a confirmed municipal officer. The

reserve program is allowed in a sheriff's offices. It's no accident the language is in the Charter. It resulted after much discussion and long meetings. Former Butte Police Officer, Maurice Mulcahy, was the representative of the Butte Police Officers Union. It is a Charter question. The Charter mandates it because it was a political decision made in 1976, and continued in 1986 and in 1996. It is a subject of bargaining. If the police association wanted to agree to do it, they could agree to it. The Charter has existed for 30 years and it is the reason we are in the position we are in. The Charter does not allow for a deputy sheriff in this town. You can't have a reserve sheriff program like they have in Missoula, Billings, Bozeman, and Great Falls (that handles the traffic of the 23,000 people at football games, for example, or support for big fairs, etc.)

Sheriff Walsh continued by stating that they are looking for solutions for their money problems and law enforcement issues. One solution would be to ask for a law enforcement mill levy or a local option tax. Local options are in the State legislature right now. He has been trying to find ways to raise revenue for a long time that would help law enforcement. A mill levy would burden everybody; a local option would be paid for by tourists coming through. Sheriff Walsh is asking the Study Commission to come up with something for them. Tony Bonney asked if they did ask for a mill levy, would they define it for manpower or equipment. Sheriff Walsh said right now, his main issue is manpower. Captain Jerome McCarthy added that the three (3) big issues are manpower, training (forensic issues and scientific ways of doing business; the training budget is low), and the third is equipment. After Northey Tretheway clarified some budget questions he had, Sheriff Walsh reviewed the final pages (24 through 37) of his PowerPoint presentation. Tony Bonney asked the Sheriff if he felt his position is more of an administrator or hands-on sheriff. Sheriff Walsh said he was a hands-on sheriff; he would like to have a public information officer. He also believes the sheriff position should be an elected position. The Sheriff should be the person the citizens complain to when there are problems. They shouldn't call the Chief Executive. The Study Commission thanked Sheriff Walsh.

The last presentation was for the Butte-Silver Bow Detention Center that was given by **Captain Jerome McCarthy**. Captain McCarthy handed out a copy of his 22-page PowerPoint presentation. Instead of going through his PowerPoint presentation in detail, Captain McCarthy offered to give the Study Commission and guests a tour of the new BSB Detention Center. He recommended that the SC members read the handout and then ask him questions at a later date. After the tour he would answer any questions any one had. Before leaving for the tour, Captain McCarthy pointed out that one of the biggest issues was regarding food services. He asked everyone to take a look at Page 16 and he reviewed that page. He believes the inmates get a well balanced meal and the food is good. Butte-Silver Bow modeled Missoula's center. Topics of the Detention Center handout included: Responsibility of the Sheriff, Evolution of the New Detention Center, Size of the New Detention Center, Average Daily Population, Evolution of Daily Prisoner Holds, Issues caused by Methamphetamine, Prisoner Medical Needs, Medical Care and the Eighth Amendment, Costs Associated with Medical Care, Classification Process, Mental Health Evaluations, Current Staffing at the Detention Center (26 full-time detention officers, 4 full-time kitchen employees, and one facility administrator),

Duties and Responsibilities of the Detention Officers, Salaries and Wages for the detention Center (in 2004-2005, \$911,194 was approved for salaries and wages; the total budget is \$1,700,989), Contract Services, Meal Service, Contracts with the State and Federal Government, Daily Confinement Contract Information from other Detention Centers, Sheriff's Fees (BSB is on the leading edge of charging prisoners for services), Daily Commitment Fee for Prisoners Serving Weekends, and, finally, Commissary Funds.

At approximately 7:30 p.m., everyone left for the tour. The tour was very informative and enlightening. It was an excellent tour!! Thank you Captain Jerome McCarthy, Sheriff Walsh, and Ed O'Neill.

The Study Commission members returned to the Council Chamber to adjourn the meeting.

Survey Report: No report was given at this meeting.

Date for Next Meeting: The next meeting will be Thursday, March 31, 2005.

Adjourn: Northey Tretheway moved to adjourn the meeting; the motion was seconded. The meeting adjourned at 8:42 p.m.